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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

YOON, TAE H

ART UNIT	PAPER NUMBER
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1714

6

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/247,009

Applicant(s)

Campbell et al

Examiner

T. Yoon

Group Art Unit

1714

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-22 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-22 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether the recited "second coupling agent" encompasses "(one or) more silane coupling agents" of claim 18 or other coupling agent.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-5, 7, 8, 10, 11 and 13-21 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Arpin et al (US 5,242,969).

Arpin et al teach an aqueous polyolefin emulsion comprising a maleic anhydride grafted polyolefin, an aminosilane coupling agent and a fatty acid for use in forming a sizing coating for treating glass fibers in abstract and example 12. Said treated glass fibers are used in reinforcing polyolefins and a coating can be done at the time of the formation of the glass fibers (col. 7, lines 34-35 and 47-60). Said emulsion of example 12 inherently possesses the recited viscosity.

The instant invention recites two or more saturated fatty acids. However, Arpin et al teach employing saturated fatty acids, unsaturated fatty acids and mixtures thereof in claim 1 and at col. 3, lines 11-24. Thus, a probability of choosing at least two saturated fatty acids is about 20% since the teaching of Arpin et al encompasses a saturated fatty acid, an unsaturated fatty acid, a mixture of a saturated fatty acid(s) and an unsaturated fatty acid (s), a mixture of saturated fatty acids, and a mixture of unsaturated fatty acids. Choosing a mixture of saturated fatty acids, from above five choices is an anticipation. See *In re Arkley*, 455 f2d 586, 172 USPQ 524 (CCPA 1972); *In re Petering*, 301 F2d 676, 133 USPQ 275 (CCPA 1962). Also, see *In re Mills*, 477 F2d 649, 176 USPQ 196 (CCPA 1972); Reference must be considered for all that it discloses and must not be limited to its preferred embodiments or working examples.

Thus, the instant invention lacks novelty.

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Claims 1-7 and 9-21 are rejected under 35 U.S.C. 103(a) as obvious over Arpin et al (US 5,242,969) in view of WO 99/35172 or WO 00/48957.

The instant invention further recites a level of grafting and an antifoaming agent. However, polyolefins grafted with maleic anhydride in an amount of the instant level of grafting is well known in the art as taught by WO'172, page 5, lines 15-21, and WO'957, page 3, lines 24-27. and the use of an antifoaming agent in glass sizing composition is also well known in the art as taught by WO'957, page 5, lines 5-6.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to utilize an antifoaming agent of WO'957 in Arpin et al since Arpin et al teach employing additional additives at col. 4, lines 33-35, or to utilize polyolefins grafted with the instant level maleic anhydride of WO'172 or WO'957 in Arpin et al since the use of such grafted polyolefin in coating composition as a compatibilizing agent is well known as taught by WO'172 and WO'957.

Claims 1-8 and 10-22 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 00/48957.

WO teaches a glass sizing composition in examples wherein an aminosilane and a fatty acid are taught. A level of grafting on polypropylene (page 3, lines 16-30), fatty acid blend MoldPro 932 (page 4, lines 28-32 and examples), antifoaming agents (page 5, line 5-6) and a method of treating glass fibers and a use thereof in a polypropylene matrix (page 5, line 16 to

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page 6, line 3) are taught. Aquathane which is a polyurethane of said examples meets the instant coupling agent of claim 22 absent a particular compound or binder.

Thus, the instant invention lacks novelty.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/48957 in view of Mientus et al (US 6,106,982) and applicant's teaching at page 14, MoldPro 1327.

The instant claim 9 further recites a mixture of fatty acids. Mientus et al teach MoldPro 932 of WO being carboxylic acid mixtures and the instant MoldPro 1327 is a commercially available carboxylic acid mixtures as taught by applicant.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to utilize MoldPro 1327 in WO since WO teaches the use of a fatty acid blend, MoldPro 932, which is also taught by Mientus et al and the instant MoldPro 1327 is a commercially available carboxylic acid mixtures also absent showing otherwise.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (703) 308-2389. The examiner can normally be reached on Monday to Thursday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

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Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

THY/March 25, 2003



TAE H. YOON
PRIMARY EXAMINER